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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,976	03/22/2004	Claus Pedersen	855.0006.U1(US)	1357

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EXAMINER	
DAYE, CHELCIE L	

ART UNIT	PAPER NUMBER
2161	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/805,976	PEDERSEN, CLAUS	
	Examiner	Art Unit	
	CHELCIE DAYE	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 March 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7 and 9-45* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7 and 9-45* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is issued in response to applicant's RCE filed March 03, 2008.

2. Claims 1-7 and 9-45 are presented. No claims added and claim 8 remains cancelled.

3. Claims 1-7 and 9-45 are pending.

4. Applicant's arguments filed March 03, 2008, have been fully considered but they are not persuasive.

Continued Examination Under 37 CFR 1.114

5. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 03, 2008 has been entered.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1-3,9-10,16-18,20-23,26-30,and 34-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flanagin (US Patent No. 6,128,661) filed April 10, 1998, in view of Kotzin (US Patent Application No. 20050198376) provisional filed January 2, 2004.

Regarding Claims 1,21, and 28, Flanagin discloses a method of transferring service settings from a first device to a second device, wherein the first and second devices each have the same predetermined hierarchical data structure, comprising:

sending a data transfer request identifying a first portion of the hierarchical data structure from the first device to the second device (columns 2-3, lines 66-67 and 1-19, respectively, Flanagin), the first portion comprising data descriptive of service settings for a first service (column 4, lines 7-18, Flanagin). However, Flanagin is not as detailed with the service settings being provisioned by a service provider. On the other hand, Kotzin discloses provisioning by the service provider ([0021-0022], Kotzin). Flanagin and Kotzin are analogous art because they are from the same field of endeavor of transferring information from one electronic device to another. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Kotzin's teachings into the Flanagin system. A skilled artisan would have been motivated to combine as suggested by Kotzin at paragraphs [0006-0007], in order to allow the content to be transferred with ease in an intuitive manner, such that it can be beneficial for the owner. Therefore, the combination of Flanagin in view of Kotzin disclose

copying the data descriptive of service provider provisioned service settings stored at the first portion of the hierarchical data structure of the second device from the second device to the first device (column 4, lines 7-22, Flanagin); storing the copied data at the first portion of the hierarchical data structure of the first device (column 3, lines 1-13, Flanagin); and using, at the first device, the data stored at the first portion of the hierarchical data structure as settings for a first service (column 4, lines 7-11, Flanagin).

Regarding Claims 2,22,and 29, the combination of Flanagin in view of Kotzin, disclose a method wherein copying data comprises copying a data file stored at the first portion of the hierarchical data structure that is associated with an identifier stored in a first smart card ([0028], Kotzin)[1].

Regarding Claims 3,23,and 30, the combination of Flanagin in view of Kotzin, disclose a method wherein the copied data file comprises the identifier ([0023], Kotzin).

Regarding Claim 9, the combination of Flanagin in view of Kotzin, disclose a method wherein the copied data comprises settings controlled by the service provider of the first service ([0021], Kotzin).

[1] Examiner Notes: Examples of memory that is stored within the devices are subscriber identity module (SIM card), flash card, and secure digital card (see [0023]).

Regarding Claim 10, the combination of Flanagin in view of Kotzin, disclose a method wherein the copied data includes data identifying user selections made during user configuration of the first service ([0018], Kotzin).

Regarding Claim 16, the combination of Flanagin in view of Kotzin, and further in view of Kotzin, disclose a method further comprising forming a direct connection between first and second devices and using the direct connection for sending the data transfer request and copying data from the second device to the first device ([0038], Kotzin).

Regarding Claim 17, the combination of Flanagin in view of Kotzin, and further in view of Kotzin, disclose a method wherein the direct connection is a wireless connection ([0038], Kotzin).

Regarding Claim 18, the combination of Flanagin in view of Kotzin, disclose a method further comprising using, at the second device, the settings stored at the first portion of the hierarchical data structure as settings for the first service (column 3, lines 44-52, Flanagin).

Regarding Claim 20, the combination of Flanagin in view of Kotzin, disclose a method of transferring service settings from a first device to a second device, wherein the first and second devices each have the same predetermined

hierarchical data structure, comprising a first portion for storing settings for accessing a first service and a second portion for storing settings for accessing a second service:

sending a data transfer request identifying a first portion of the hierarchical data structure from the first device to the second device (columns 2-3, lines 66-67 and 1-19, respectively, Flanagin);

transferring the data content stored at the identified first portion of the hierarchical data structure from the second device to the first device (column 4, lines 7-22, Flanagin), the data content comprising data descriptive of service provider provisioned service settings for the first service ([0021-0022], Kotzin);

storing the transferred data content at the first portion of the hierarchical data structure of the first device (column 3, lines 1-13, Flanagin);

sending a data transfer request identifying a second portion of the hierarchical data structure from the first device to the second device (columns 2-3, lines 66-67 and 1-19, respectively, Flanagin);

transferring the data content stored at the identified second portion of the hierarchical data structure from the second device to the first device (column 4, lines 7-22, Flanagin), the data content comprising data descriptive of service provider provisioned service settings for the second service ([0021-0022], Kotzin);

storing the transferred data content at the second portion of the hierarchical data structure of the first device (column 3, lines 1-13, Flanagin); and

using, at the first device, the settings stored at the first portion of the hierarchical data structure as settings for the first service and the settings stored at the second portion of the hierarchical data structure as settings for the second service (column 4, lines 7-11, Flanagin).

Regarding Claims 26,34,40, and 43 the combination of Flanagin in view of Kotzin, disclose a communications device comprising:

a radio transceiver ([0040], Kotzin);

a memory for storing data according to a predetermined hierarchical data structure (column 3, lines 1-5 and column 7, linesn18-22, Flanagin);

a processor for reading data from the memory (column 7, lines 23-26, Flanagin), wherein the data read from the first portion of the hierarchical data structure is usable for providing a telecommunications service (column 4, lines 7-24, Flanagin) via the radio transceiver ([0040], Kotzin), the data comprising data descriptive of service provider provisioned service settings for the telecommunications service ([0021-0022], Kotzin);

a wireless receiver for receiving a data transfer request identifying the first portion of the hierarchical data structure, wherein the processor responds to the data transfer request to read data from the first portion of the hierarchical data structure ([0018], [0023], lines 23-24, and [0044], Kotzin); and

a wireless transmitter for transmitting the data descriptive of service provider provisioned service settings for the telecommunications service, the

data read from the memory in response to the data transfer request ([0018], [0023], lines 23-24, and [0044], Kotzin).

Regarding Claims 27 and 35, the combination of Flanagin in view of Kotzin, disclose a communications device further comprising means for housing a smart card ([0023], Kotzin) that enables the device to participate in a telecommunications network ([0041], Kotzin), wherein the processor is operable to read data from the first portion of the hierarchical data structure that depends upon the identity of the housed smart card ([0028], Kotzin).

Regarding Claims 36 and 37, the combination of Flanagin in view of Kotzin, disclose a record medium embodying a computer program comprising computer program instructions for causing a computer to perform the method (column 5, lines 4-8, Flanagin).

Regarding Claims 38,39,42, and 45, the combination of Flanagin in view of Kotzin, disclose a communications device where said radio transceiver comprises a cellular radio transceiver ([0023] and [0040], Kotzin).

Regarding Claims 41 and 44, the combination of Flanagin in view of Kotzin, disclose the communication device where the data of said at least one file

further comprises data that identifies selections made by a user during configuration of the telecommunications service ([0018], Kotzin).

8. Claims 5-7,13-15,19,25,and 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flanagin (US Patent No. 6,128,661) filed April 10, 1998, in view of Kotzin (US Patent Application No. 20050198376) provisional filed January 2, 2004, and further in view of Kock (US Patent Application No. 20040185885) filed January 30, 2004.

Regarding Claims 5,6, and 32, the combination of Flanagin in view of Kotzin, disclose all of the claimed subject matter as stated above. However, Flanagin in view of Kotzin, are silent with respect to the copied data file being automatically used, at the first device, as settings for a first service when the first smart card is used with the first device. On the other hand, Kock discloses the copied data file being automatically used, at the first device, as settings for a first service when the first smart card is used with the first device ([0052], Kock). Flanagin, Kotzin, and Kock are analogous art because they are from the same field of endeavor of communication architecture on mobile devices. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Kock's teachings into the Flanagin and Kotzin system. A skilled artisan would have been motivated to combine in order to provide a system that

allows data messages to be exchanged between devices having distinct capabilities while avoiding the need to convert the data messages.

Regarding Claims 7 and 33, the combination of Flanagin in view of Kotzin, and further in view of Kock, disclose a method further comprising transferring a smart card from the second device to the first device before the step of using the data stored as settings for the first service ([0052], Kock).

Regarding Claim 13, the combination of Flanagin in view of Kotzin, and further in view of Kock, disclose a method wherein the first and second devices are mobile telephones for use by the same person ([0040], Kock).

Regarding Claim 14, the combination of Flanagin in view of Kotzin, and further in view of Kock, disclose a method wherein the first service is a telecommunications service (Abstract, Kock).

Regarding Claim 15, the combination of Flanagin in view of Kotzin, and further in view of Kock, disclose a method wherein the first service is one of: messaging, internet access or email ([0041], Kock).

Regarding Claims 19 and 25, the combination of Flanagin in view of Kotzin, and further in view of Kock, disclose a method further comprising using,

at the second device, the settings stored at the first portion of the hierarchical data structure as settings for the first service (column 3, lines 44-52, Flanagin) when the first smart card is used with the second device ([0052], Kock).

9. Claims 4,24,and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flanagin (US Patent No. 6,128,661) filed April 10, 1998, in view of Kotzin (US Patent Application No. 20050198376) provisional filed January 2, 2004, and further in view of Mirouze (US Patent Application No. 20040023664) filed July 3, 2002.

Regarding Claims 4,24,and 31, the combination of Flanagin in view of Kotzin, disclose all of the claimed subject matter as stated above. However, Flanagin in view of Kotzin, are silent with respect to the identifier being an International Mobile Subscriber Identity. On the other hand, Mirouze discloses the identifier being an International Mobile Subscriber Identity ([0085], Mirouze). Flanagin, Kotzin, and Mirouze are analogous art because they are from the same field of endeavor of mobile communication devices. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Mirouze's teachings into the Flanagin and Kotzin system. A skilled artisan would have been motivated to combine as suggested by Mirouze at [0005], to offer mobile users functions that are more ergonomic than those offered by a simple mobile terminal.

10. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Flanagin (US Patent No. 6,128,661) filed April 10, 1998, in view of Kotzin (US Patent Application No. 20050198376) provisional filed January 2, 2004, and further in view of Cooper (US Patent No. 5,961,588) Filed February 21, 1997.

Regarding Claim 11, the combination of Flanagin in view of Kotzin, disclose all of the claimed subject matter as stated above. However, Flanagin in view of Kotzin, are silent with respect to the user of the first device unable to amend the copied data. However, Cooper discloses the user of the first device unable to amend the copied data (column 2, lines 9-12, Cooper). Flanagin, Kotzin, and Cooper are analogous art because they are from the same field of endeavor of telecommunication system/wireless systems. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Cooper's teachings into the Flanagin and Kotzin system. A skilled artisan would have been motivated to combine in order to prohibit an unauthorized user from altering the data. Thereby, making sure the information is maintained and proper.

11. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Flanagin (US Patent No. 6,128,661) filed April 10, 1998, in view of Kotzin (US Patent Application No. 20050198376) provisional filed January 2, 2004, and further in view of Novak (US Patent No. 6,882,659) provisional filed May 10, 2000.

Regarding Claim 12, the combination of Flanagin in view of Kotzin, disclose all of the claimed subject matter as stated above. However, Flanagin in view of Kotzin, are silent with respect to the first device being an OBEX client, the second device being an OBEX server, and the data transfer request comprising a GET request packet. On the other hand, Novak discloses the first device being an OBEX client, the second device being an OBEX server (columns 4-5, lines 57-67 and 1-12, respectively, Novak), and the data transfer request comprising a GET request packet (column 5, lines 50-63, Novak). Flanagin, Kotzin, and Novak are analogous art because they are from the same field of endeavor of synchronization of mobile devices. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Novak's teachings into the Flanagin and Kotzin system. A skilled artisan would have been motivated to combine in order to provide a communications protocol that facilitates the exchange of binary objects between devices. As a result, as suggested by Novak at column 3, lines 14-21, allowing for a desirable synchronization protocol that operates in a connectionless environment.

Response to Arguments

Applicant argues, neither Flanagin nor Kotzin describe the newly amended portion of "copying the data descriptive of service provider provisioned service settings …".

Examiner respectfully disagrees. Flanagin teaches "*the partnership information includes configuration settings for services used by the user to transfer or copy data between the connected mobile device and the desktop computer as well as data necessary to perform a service…For example, a "Synchronization Service" is a service that specializes in the transfer of data between the connected mobile device and the desktop computer, including replications or automatic file copy*" (see col.4, lines 7-22) and also "*the partnership information includes any unique settings for each unique type of mobile device being connected to the desktop computer*" (see col.3, lines 48-52). As such, Flanagin clearly describes copying the descriptive data of the service settings from one device to another. Next, Kotzin was incorporated to teach that the service settings were provisioned by the service provider, and this is taught at ([0021-0022]), wherein "*The second device then retrieves the content from either the first device or the content provider*". Therefore, the combination of Flanagin and Kotzin, do in fact disclose the above argued feature.

Applicant states at the bottom of page 18 of the 'Remarks', that "the Examiner has already admitted that Flanagin is not as detailed regarding "service settings"".

Examiner respectfully disagrees. As stated within the office action dated 9/26/07 as well as in the current office action, the Flanagin reference disclosed the feature of

'the data descriptive of the service settings' (see col.4, lines 7-18, Flanagin), however, the Flanagin reference was not as detailed with the service settings being provisioned by a service provider. Therefore, as can also be seen by the office actions, Kotzin was incorporated to disclose 'provisioning by the service provider' ([0021-0022], Kotzin). As a result, the applicant's assertions within the remarks are in fact inaccurate.

Points of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHELCIE DAYE whose telephone number is (571)272-3891. The examiner can normally be reached on M-F, 7:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on 571-272-4146080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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April 16, 2008

/Apu M Mofiz/
Supervisory Patent Examiner, Art Unit 2161